

REMARKS/ARGUMENTS

This Reply is responsive to the Office Action mailed to counsel for Applicant on March 26, 2004. Claims 1-28 are pending in this Application. Claims 1, 14, and 18 are independent claims. Applicant requests reconsideration of this Application based on the following remarks and submits that the claims as presented are in condition for allowance.

Claim Rejections – 35 U.S.C. § 103(a)

In the Office Action, claims 1-25 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Pat. No. 5,963,864 (O'Neil et al.) in view of U.S. Pat. No. 6,041,114 (Chestnut). This rejection is respectfully traversed.

Claim 1 recites, in part, a telephone system adapted to receive a called number, to dial the called number, to determine a forwarding telephone number associated with the called number in response to a busy or no answer signal at the called number, and to call the forwarding telephone number. The Office Action contends that it would have been obvious to one ordinarily skilled in the art to combine the teachings of O'Neil et al. and Chestnut to create a system that prompts a "caller to select the destination where he/she wants to forward the call to in the event that the called number is busy or does not answer." (Office Action, dated March 26, 2004 at p. 3). However, assuming *arguendo* that the proposed teachings of the combined references are true, it does not result in all of the features of claim 1. Specifically, claim 1 requires the telephone system itself, not the calling party, to determine whether a forwarding number will be called. Thus, Applicant respectfully submits that the teachings of O'Neil et al. and Chestnut as alleged by the Office Action, either alone or in combination, do not render claim 1 obvious under 35 U.S.C. § 103(a).

Moreover, the Office Action states that O'Neil et al. discloses a system where a "call to the subscriber's selected [telephone] unit . . . that is busy or does not answer, reaches the subscriber's other unit(s) . . . if the other unit(s) is enable [sic] and available to receive calls." (Office Action, dated March 26, 2004 at p. 2). Applicant respectfully submits that O'Neil et al. does not teach, disclose, or suggest a system for forwarding calls in response to a busy or no answer signal at the called party number. O'Neil et al. teaches a system for linking a called number with additional subscriber telephone numbers such that each linked number

will be called simultaneously when the calling party dials the called number. Thus, the combination of O'Neill et al. and Chestnut is improper and claim 1 is allowable for this reason as well.

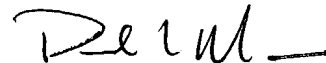
Independent claims 14 and 18 recite similar features as claim 1 and are allowable for at least the same reasons.

Claims 2-13 and 26, claims 15-17 and 27, and claims 19-25 and 28 depend ultimately from claims 1, 14, and 18, respectively, and are considered allowable for at least the same reasons. In addition, new claims 26-28 recite further features not disclosed or suggested by any combination of the cited patents. New claims 26-28 recite that the wireline telephone system determines a forwarding telephone number associated with the called number in response to a busy or no answer signal at the called number only for preferred caller telephone numbers. These features are not shown by any combination of the cited patents. Therefore, claims 26-28 are considered allowable for this additional reason.

Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 1-28 are in a condition for allowance.

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